

TERSTEP CO., INC.

CONTRACT NO. V583C-579

VABCA-5629, 5630,
5669 & 5670

VA MEDICAL CENTER
INDIANAPOLIS, INDIANA

Richard W. McMinn, Esq. and *Robert J. Hoffman, Esq.*, Hoffman, Drewry, Hancock & Simmons, Indianapolis, Indiana, for the Appellant.

Millicent Gompertz, Esq., Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER ENTERING JUDGMENT

1. The Government and Appellant have filed a JOINT MOTION FOR JUDGMENT ON SETTLEMENT AGREEMENT, requesting that the Board enter a conforming ORDER OF JUDGMENT in the four captioned appeals. The Agreement has been signed by all appropriate parties and by their legal representatives.
2. The parties recite that, with one exception, they have resolved all claims of any nature arising under Contract No. V583C-579. The Government agrees to pay to Appellant the sum of \$105,000, representing complete and final payment of all claims associated with VABCA - 5629, 5630, 5669 and 5670. This amount includes interest due under the *Contract Disputes Act of 1978* ("CDA") as well as attorney fees, costs and expenses otherwise recoverable under the *Equal Access to Justice Act*. In return for payment of the above amount, Appellant agrees to release and discharge the Government from any further claims and liabilities under the Contract, reserving only those issues involved in Appellant's remaining claim, which is currently docketed as VABCA - 5991. The Government reserves any and all rights flowing from warranty provisions of the subject Contract, as well as any defenses which it may have against Appellant's claim in VABCA - 5991.
3. Accordingly, the parties' motion is GRANTED. The Appellant, Terstep Co., Inc., is entitled to payment by the Government of \$105,000 in accordance with the

understandings and conditions previously recited. The Government, consistent with its obligation under the Agreement, shall exercise its best efforts to see that the Appellant receives the full amount of the settlement within 120 days of the Board's entry of judgment. For any payment made later than that date, the Government has agreed to pay interest at the CDA rate from day 121 until paid.

IT IS SO ORDERED

DATE: **December 21, 1999**

JAMES K. ROBINSON
Administrative Judge